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MERCK AND CO., INC  
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RAHWAY NJ 07065-0907

In re Application of:	:	
CHAKRAVARTY, Prasun, K., et al.	:	
U.S. Application No.: 10/553,554	:	DECISION
PCT No.: PCT/US2004/011271	:	(37 CFR 1.42)
International Filing Date: 14 April 2004	:	
Priority Date: 18 April 2003	:	
Attorney's Docket No.: 21375YP	:	
For: BIARYL SUBSTITUTED THIAZOLES,	:	
OXAZOLES AND IMADAZOLES AS SODIUM	:	
CHANNEL BLOCKERS	:	

In a decision mailed by this Office on 28 August 2006, the declaration filed on behalf of inventor Michael H. FISHER by his legal representative Jeffrey M. FISHER was rejected without prejudice. Specifically, the declaration was rejected because applicants had not made clear whether the declaration was being filed under 37 CFR 1.42 or 37 CFR 1.43.

On 11 October 2006, applicants filed a response to the previous decision. The response states that inventor Michael H. FISHER was legally incapacitated at the time the declaration was executed, but that the inventor is now deceased. Because the inventor is now deceased, the declaration filed 18 October 2005 is properly considered under 37 CFR 1.42 and 1.497(b)(2).

A review of the declaration confirms that it includes all the information required under 37 CFR 1.42 and 1.497(b)(2).

The request for status under 37 CFR 1.42 with respect to deceased inventor Michael H. FISHER is therefore **GRANTED**.

It is noted that the present decision presumes that Jeffrey M FISHER, the legal representative who executed the declaration for the then-incapacitated inventor, is also the legal representative of the now-deceased inventor's estate. If this is not the case, and there is a different legal representative for the deceased inventor's estate, applicants **must** contact this Office immediately and provide a declaration executed on behalf of the deceased inventor by the proper legal representative.

The application will be referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 18 October 2005.

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